

**IN THE CLAIMS**

1-70. (canceled)

71. (previously presented) A device for securing a spinal rod to the spine comprising:

a) a head portion defining a central axis extending from an upper end to a lower end of the head portion, the head portion having a channel extending therethrough oriented perpendicular to the central axis and configured to receive a spinal rod;

b) a locking cap including an upper portion engageable with an interior surface of the head portion and a lower portion having an elongated recess for engaging an exterior surface of a spinal rod received by the channel to secure the position of the head portion relative to the spinal rod upon rotation of the upper portion relative to the lower portion about the central axis of the head portion, wherein the upper portion and the lower portion of the locking cap are coupled together by an axial post that facilitates relative rotational movement of the upper portion relative to the lower portion; and

c) a fastener portion depending from the lower end of the head portion to engage the spine and mounted for angular movement relative to the central axis of the head portion.

72. (previously presented) A device as recited in claim 71, wherein the channel in the head portion is bounded by opposed side walls each having an arcuate engagement slot formed therein.

73. (previously presented) A device as recited in claim 72, wherein the upper portion of the locking cap has opposed arcuate engagement flanges.

74. (previously presented) A device as claimed in claim 73, wherein the opposed arcuate engagement flanges are spaced from one another.

75. (previously presented) A device as claimed in claim 73, wherein the upper portion of the locking cap is rotatable relative to the head portion so that the opposed arcuate engagement flanges are disposed in the respective arcuate engagement slots in the opposed side walls.

76. (previously presented) A device as claimed in 71, wherein the elongated recess has a shape that matches the shape of the exterior surface of the spinal rod.

77. (previously presented) A device as claimed in claim 71, wherein the fastener portion is movable relative to the head portion when the locking cap is in an unlocked position and the fastener portion is fixed relative to the head portion when the locking cap is in a locked position.

78. (previously presented) The device as claimed in claim 71, wherein the axial post mechanically joins the upper and lower portions of the locking cap.

79. (previously presented) The device as claimed in claim 78, wherein the axial post has an arcuate exterior surface.

80. (previously presented) The device as claimed in claim 78, wherein the axial post has a lower end permanently fixed to the lower portion of the locking cap and an upper end inserted into an opening at an underside of the upper portion of the locking cap.

81. (currently amended) A device for securing a spinal rod to the spine comprising:

a head portion having an upper end, a lower end and a channel extending therethrough for receiving a spinal rod, the channel in the head portion being bounded by opposed side walls each having an arcuate engagement slot formed therein;

a locking cap having a first portion and a second portion, the first portion of the locking cap having opposed arcuate engagement flanges receivable in the arcuate engagement slots of the head portion, the second portion of the locking cap having an elongated recess engageable with the exterior surface of the spinal rod, the first and second portions of the locking cap being mechanically joined for rotation relative to one another, wherein the first portion of the locking cap is located above the second portion of the locking cap as the locking cap moves from an unlocked position to a locked position, and the locking cap is a two-part locking cap consisting of the first portion and the second portion; and

a fastener portion depending from the lower end of the head portion for engaging the spine.

82. (previously presented) The device as claimed in claim 81, wherein the fastener portion is movable relative to the head portion when the locking cap is in an unlocked position.

Claims 83 & 84. (canceled)

85. (previously presented) The device as claimed in claim 81, wherein the first portion of the locking cap is spaced from the spinal rod when the locking cap is in the locked position.

86. (previously presented) The device as claimed in claim 81, wherein the opposed arcuate engagement flanges are spaced from one another.

87. (previously presented) The device as claimed in claim 81, wherein the opposed arcuate engagement flanges comprise a first flange projecting from a first side of the first portion of the locking cap and a second flange projecting from a second side of the first portion of the locking cap that is opposite the first side.

88. (previously presented) The device as claimed in claim 81, wherein the locking cap further comprises a post extending between the first and second portions thereof for mechanically joining the first and second portions.

89. (previously presented) The device as claimed in claim 88, wherein the post extending between the first and second portions of the locking cap has an arcuate exterior surface.

90. (previously presented) The device as claimed in claim 88, wherein the post extending between the first and second portions of the locking cap has a lower end permanently fixed to the second portion of the locking cap and an upper end inserted into an opening at an underside of the first portion of the locking cap.

91. (previously presented) The device as claimed in claim 81, wherein the head portion is formed monolithic with the fastener portion.

92. (previously presented) The device as claimed in claim 81, wherein the head portion defines a central axis extending perpendicular to the channel and the fastener portion is adapted for angular movement relative to the central axis of the head portion.

93. (previously presented) The device as claimed in claim 92, wherein the fastener portion includes a spherical head and a threaded body depending from the spherical head.

94. (previously presented) The device as claimed in claim 93, wherein the head portion defines a seat for receiving the spherical head of the fastener portion and an aperture for accommodating the threaded body depending from the spherical head.

95. (previously presented) The device as claimed in claim 81, wherein each of the opposed engagement flanges has an inclined surface.

96. (previously presented) The device as claimed in claim 95, wherein the angle of the inclined surface of one of the engagement flanges is opposite the angle of the inclined surface of the opposed engagement flange.

97. (previously presented) The device as claimed in claim 81, wherein each of the opposed arcuate engagement flanges has a leading end and a trailing end, and wherein the leading ends of the opposed arcuate engagement flanges include inclined surfaces.

98. (previously presented) The device as claimed in claim 81, wherein the fastener portion is movable relative to the head portion when the locking cap is in an unlocked position.

99. (previously presented) The device as claimed in claim 98, wherein the fastener portion is fixed relative to the head portion when the locking cap is in a locked position.

100. (previously presented) The device as claimed in claim 99, wherein the opposed arcuate engagement flanges are

disposed in the arcuate engagement slots when the locking cap is rotated into the locked position.

101. (previously presented) A device as recited in claim 71, wherein the upper portion of the locking cap is configured to cammingly engage the interior surface of the head portion.

102. (previously presented) A device as recited in claim 101, wherein the arcuate engagement flanges have inclined flange surfaces.

103. (previously presented) A device as recited in claim 102, wherein the angle of the inclined flange surface of one engagement flange is opposite that of the opposed engagement flange.

104. (previously presented) A device as recited in claim 81, wherein the opposed arcuate engagement flanges of the first portion of the locking cap are configured to cammingly engage the arcuate engagement slots formed in the opposed side walls of the head portion.

105. (previously presented) A device as recited in claim 104, wherein the arcuate engagement flanges of the first portion of the locking cap comprise inclined flange surfaces.

106. (previously presented) A device as recited in claim 105, wherein the angle of the inclined flange surface of one engagement flange is opposite that of the opposed engagement flange.